

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA §
§ CRIMINAL NO.
VS. § 3:22-CR-352-K
§
TIMOTHY LYNCH BARTON §
§
Defendant. §

PRETRIAL SCHEDULING ORDER

This case is set for jury trial on **Monday, December 5, 2022, at 9:00 a.m.**

Defendant shall not file any motion for, or to compel, discovery, disclosure, or production unless (i) defendant has first made written request of the government for the desired discovery, disclosure, or production, which written request shall specify a time and date prior to the motions deadline when discovery, disclosure, or production, as applicable, of the items is desired office of the U.S. Attorney, and (ii) the government has failed to comply with the request. The government shall respond, either orally or in writing, to any request made in accordance with this paragraph within five (5) government working days of receiving same. The government shall indicate either that the discovery will be allowed or the disclosure or production will be made as requested or that the request or portions thereof are objectionable, in which case the government shall briefly state the legal basis for the government's objections. Lack of actual possession of an item by the

government will not be accepted as a reason for non-production if the government can obtain possession of the original or a copy of the item upon request.

If the government does not comply with such request, defendant will be permitted to file a motion to compel, or for discovery or disclosure. Any such motion must be accompanied by copies of any pertinent requests that were previously served by the movant and verification as to service of each such request and the results of the efforts to obtain the desired discovery, disclosure, or production pursuant to each such request.

By this order -- issued to the prosecution and defense counsel -- the court confirms the disclosure obligation of the prosecutor under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny, and the possible consequences of violating such order under applicable law. This written order is entered pursuant to Rule 5(f)(1) of the Federal Rules of Criminal Procedure.

Therefore, Defendants' pretrial motions, if any, must be filed by **November 4, 2022**, and the Government's responses thereto, by **November 10, 2022**.

Requested voir dire questions, proposed jury instructions, witness lists (with witnesses designated as "custodial", "expert", or "fact", as well as "probable" or "possible"), exhibit lists (with copies of exhibits furnished to the Court), and motions in limine must be filed no later than **November 21, 2022**.

All counsel are directed to advise the Court seven (7) days before trial, if a plea agreement has been reached. If such an agreement has been reached, except in unusual circumstances where such cannot reasonably be done, counsel are to furnish an executed copy to the Court at least four (4) days before trial.

SO ORDERED.

Signed October 4th, 2022.


ED KINKEADE
UNITED STATES DISTRICT JUDGE